IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.773 OF 2005

Smt.Nagarbai w/o. Haridas Bhoi Appellant

Vs.

Smt.Sonabai d/o. Tulshiram Bhoi
& ors. Respondents

Mr.Dilip Bodake for appellant.

CORAM: B.H.MARLAPALLE,J.
August 03, 2005.

P.C.

. Heard Mr.Bodake, the learned counsel for the appellant who is plaintiff in Special Civil Suit No.141 of 2003. By the impugned order dated 20-11-2004 the learned II Ad-Hoc Additional District Judge at Pandharpur was pleased to reject the application at Exh.5 filed in the said Suit under Order XXXIX Rules 1 and 2 of CPC for interim injunction. The order of status quo granted earlier also came to be set aside by the impugned order. Mr.Bodake now points out that he has received a communication dated 10-4-2005 from the employer of the plaintiff's deceased husband i.e. the Maharashtra State Road Transport Corporation, Divisional Office, Solapur pointing out that the original defendant no.1 Smt.Nandabai has already collected the amount of legal dues on the basis of

the succession certificate granted in her favour by the learned Civil Judge Senior Division at Baramati on 5-7-2005. Under these circumstances, the application at Exhibit 5 became infructuous and, therefore, this appeal does not survive any further.

. The appeal is disposed off as infructuous and the trial of Special Civil Suit No.141 of 2003 is hereby expedited. It is made clear that the disbursement of the amount will be subject to the final outcome in the suit.

(B.H.MARLAPALLE,J.)